IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISDICTION

WRIT PETITION NO.3112 OF 2005

Smt.Ansuyabai Narayan Ghate
since deceased by her heirs
Narayanrao K.Ghate and Ors. ...Petitioners

Vs.

Smt.Muktambi Sukrusaab Nadar ...Respondent

...

Mr.V.R.Tripathi for Petitioners

...

CORAM : B.H.MARLAPALLE,J.

DATE : MAY 4,2005

P.C.:

1. Heard the learned counsel for the Petitioners.

2. By the impugned order dated 28.4.2005 the Notice of Motion No.4015 of 2004 has been dismissed. The said Notice of Motion was moved for recall of the earlier order passed in Notice of Motion No. 1296 of 2001 on 20.6.2003. Having gone through the reasonings set out by the learned Judge of the City Civil Court in the impugned order, it is clear that the same does not call for any interference. However, the learned counsel for the Petitioner submitted that while directing to hand over the suit premises to the Court Receiver by 6th May, 2005, the Court below has not clarified as to how long the

Court Receiver will remain in possession. This has no substance and more so, once the Notice of Motion No. 405 of 2004 has been dismissed by the impugned order, the order dated 20.6.2003 would prevail.

3. Petition is rejected.

3. Certified copy expedited.

[B.H.MARLAPALLE,J.]